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22850	7590	08/09/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			GRAHAM, CHANTEL LORAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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ATTACHMENT TO ADVISORY ACTION

Arguments by Applicant have been considered however they are not persuasive for the reasons set forth in the prior Office Action. The Examiner maintains the rejections of record.

Applicant is correct in that WESTFALL's fuel is a water-in-oil fuel emulsion and KRULL's fuel is a middle distillate hydrocarbon fuel; however WESTFALL provides motivation for the addition of the additives disclosed in WESTFALL to be used in the fuel composition of KRULL and vice versa. WESTFALL discloses in paragraph 81 that the additives may be added directly to the hydrocarbon fuel (which may be diesel fuel disclosed in paragraph 91) before the addition of other components such as emulsifiers, water and/or combination thereof. Therefor giving evidence to the combination of WESTFALL diesel fuel and KRULL additives would be stable in combination prior to the addition of other components such as water or emulsifiers (see also par 89-91 and 162-163 of WESTFALL).

Additionally WESTFALL discloses that the additional additives may be added to the water prior to the emulsification step; thereby providing evidence to the stability of KRULL additives in aqueous phase (para 81). Also, the water used in the aqueous hydrocarbon fuel emulsion includes deionized, demineralized and/or combination thereof in amounts of 1% to about 50% water (para 93-95). Applicant is reminded that having the prior art references before the inventors at the time the invention was made it would have been obvious to have added the copolymer of KRULL to the fuel water emulsion composition of WESTFALL if its known imparted property was so desired. WESTFALL provides motivation for the addition of other well known fuel additives to the water-fuel emulsions in paragraphs [0081] and [0163]. Although the property of anti-cavitation is not

disclosed in KRULL, fuel additives generally impart more than one property or function to the fuel. It has been held that obviousness is not rebutted by merely recognizing additional advantages or latent properties present in the prior art additive. Further, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd.Pat. App. & Inter. 1985)

/CHANTEL GRAHAM/

Examiner, Art Unit 1797